

REMARKS

Applicant has reviewed and considered the office action mailed on January 29, 2003 and the references cited therewith.

Claims 1-6 are cancelled by this amendment and claims 29, 31, and 32 are currently amended; as a result, claims 29-32 are now pending in the application.

§ 102 Rejection of the Claims

Claims 1-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yahata (U.S. 5,399,915). Claims 1-6 are cancelled, so the rejections of claims 1-6 are moot.

§ 103 Rejection of the Claims

Claims 29-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yahata. Applicant respectfully traverses the rejection of claims 29-31.

Claim 29 is rewritten to include all the elements of claim 1 from which claim 29 previously depended. Claim 29 recites, "includes two *down-sized transistors*." (emphasis added) Claim 31 is rewritten to include all the elements of claims 1 and 2 from which claim 31 previously depended. Claim 31 recites, "wherein the second transistor of the first pair of transistors and the second transistor of the second pair of transistors are *down-sized*." (emphasis added) In contrast, Yahata does not teach or suggest downsizing transistors. Hence, Yahata does not teach or suggest each of the elements of claims 29 and 31. Hence, the office action fails to state a *prima facie* case of obviousness with respect to claims 29 and 31. Therefore, applicant requests withdrawal of the rejections and reconsideration and allowance of claims 29 and 31.

The office action states, "It would have been an obvious matter of design choice to down-size the second transistor of the first pair of transistors and the second transistor of the second pair of transistors, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art." Applicant respectfully disagrees. Since the cite reference does not teach or suggest transistor downsizing within the static-voltage

level converter (The reference does, at column 2, lines 22 and 23, "transistors P101 to N103 are made with a large size to have a high withstand voltage," which is transistor upsizing in the output circuit.), applicant assumes that the Examiner is taking official notice from an undisclosed source of this missing element. Applicant respectfully objects to the taking of official notice, and pursuant to M.P.E.P. § 2144.03, applicant traverses the assertion of official notice and requests that the Examiner cite a reference that teaches the missing element. If the Examiner cannot cite a reference that teaches the missing element, applicant respectfully requests that the Examiner provide an affidavit that describes how the missing element is present in the prior art. If the examiner cannot cite a reference or provide an affidavit, applicant requests withdrawal of the rejection and reconsideration and allowance of claims 29 and 31.

Claim 30 is dependent on claim 29. Claim 32 is dependent on claim 31. For reasons analogous to those state above, applicant respectfully submits that the office action fails to state a *prima facie* case of obviousness with respect to claims 30 and 32. Therefore, applicant requests withdrawal of the rejections and reconsideration and allowance of claims 30 and 32.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone applicant's attorney at 612-371-2109 to facilitate prosecution of the application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

STEVEN K. HSU ET AL.

By their Representatives,

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Date: April 21, 2003

By:

Danny J. Padys

~~Reg. No. 35,635~~

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: BOX NON-FEE AMENDMENTS, Commissioner for Patents, Washington, D.C. 20231, on this 21st day of April, 2003.

Name

Ursula Weeks

Signature

Ursula Weeks